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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

BAKKEN RESOURCES, INC.,

Debtor.

Case No.: BK-18-17254-BTB

Chapter: 11

**JOINDER TO NOTICE OF
REMOVAL AND CONSENT TO
REMOVAL**

PLEASE TAKE NOTICE that Lowenstein Sandler LLP (“Lowenstein”), by and through its attorneys of record, Holland & Hart LLP, hereby joins the Notice of Removal filed by AlixPartners, LLP and A.P. Services, LLC (collectively referred to herein as “Alix”), on March 23, 2020 (ECF No. 260) (the “Notice of Removal”), and consents to the removal of the claims against Lowenstein and Alix asserted in the Nevada Action (defined below).

The Notice of Removal removed the pending counterclaims against Alix filed in an action in the Second Judicial District Court for the County of Washoe, Nevada, entitled *Allan Holms v. Dan Anderson, et al.* (Case No. CV14-00544) (the “Nevada Action”). A copy of Allan G. Holms’ and Bakken Resources, Inc.’s Second Amended Counterclaim (which added Alix and Lowenstein as counterdefendants in the Nevada Action) is attached hereto as **Exhibit 1** (the “Counterclaim”). Two of the claims asserted against Alix in the Counterclaim and now removed, namely the Third Claim for Relief (negligence) and the Fourth Claim for Relief (declaratory relief) are also the same two claims brought against Lowenstein. Lowenstein is expressly named in the Third Claim for Relief (negligence) along with Alix, and the Fourth Claim for Relief (declaratory relief)

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1 encompasses all counterdefendants, including Lowenstein as well as Alix. Thus, the Notice of
2 Removal served to remove the claims against Lowenstein as well as those claims against Alix.
3 *See Creasy v. Coleman Furniture Corp.*, 763 F.2d 656, 660-661 (4th Cir. 1985) (in case involving
4 multiple defendants where one defendant removed to the bankruptcy court pursuant to 28 U.S.C.
5 § 1452, removal was effective as to other defendants); *see also* Fed. R. Bankr. P. 9027(b)
6 (referencing “all parties to the removed claim”).

7 The Notice of Removal was filed pursuant to 28 U.S.C. § 1452(a). The consent of other
8 defendants is not required to effect the removal of a claim to the bankruptcy court under 28 U.S.C.
9 § 1452. *See PDG Los Arcos, LLC v. Adams (In re Mortgages Ltd.)*, 427 B.R. 780, 788-89 (D.
10 Ariz. 2010) (citing case law holding unanimity of consent not required for removal under 28
11 U.S.C. § 1452 and finding removal proper without consent by all other defendants). Regardless,
12 Lowenstein files this joinder to the Notice of Removal and consent to the removal of the claims
13 against Lowenstein out of an abundance of caution.

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Further, Lowenstein consents to the entry of final orders and judgments by the bankruptcy court with respect to all claims and causes of action removed to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders of judgments in connection herewith consistent with Article III of the United States Constitution. *See* Local Rule 9027(a). Lowenstein has not yet answered or otherwise responded to the Counterclaim, and pursuant to the Notice of Removal will file any response¹ to the Counterclaim in this Bankruptcy Court.²

DATED this 27th day of March, 2020.

HOLLAND & HART LLP

/s/ Amanda K. Baker, Esq.

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¹ Counterclaimants in the Nevada Action have agreed that a response to their suit will not be due until March 31, 2020.

² A copy of this Joinder to Notice of Removal and Consent to Removal will also be filed in the Nevada Action and served on all parties to the Nevada Action.